



Planning Report

To: Township of Huron Kinloss Council

From: Julie Steeper, Planner

Date: September 12, 2022

Re: Zoning Bylaw Amendment Application - Z-2021-050 (Johnston)

Recommendation:

Subject to a review of submissions arising from the public meeting:

That Council approve Zoning By-law Amendment Z-2021-050 as attached and the necessary by-law be forwarded to Council for adoption.

Summary:

The purpose of this application is to sever a 178 sq m parcel of land from 206 Bruce Rd 86 and add it to an adjacent parcel at 7 Whitechurch St. The Zoning By-law Amendment is required to permit the reduced lot area of the retained parcel and to rezone the severed parcel from Residential Special (R1-25.88) to Institutional. If approved, the effect of the application would facilitate a lot line adjustment correcting a historical encroachment of a shed on the subject parcel.

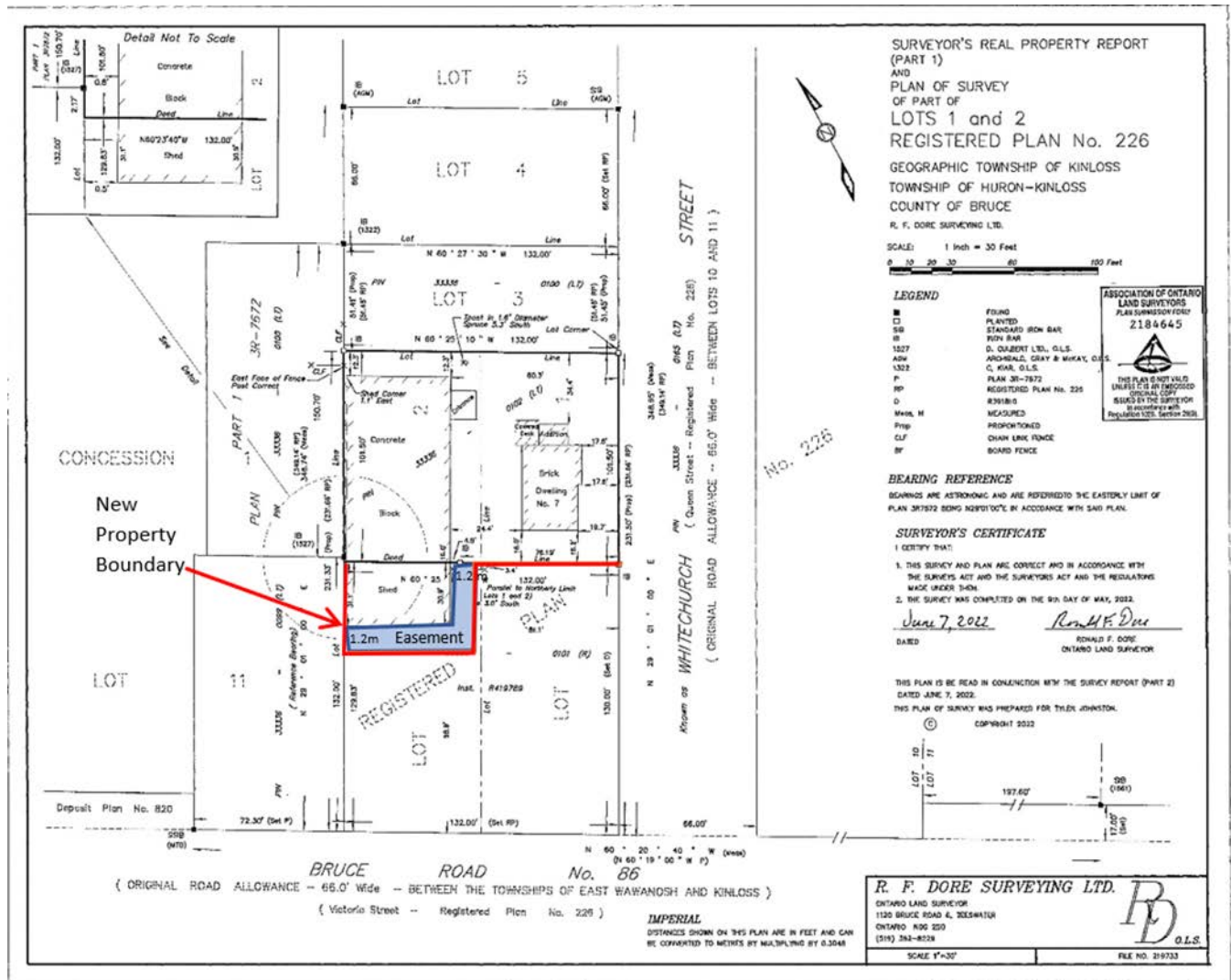
The related consent files (B-2021-056 and B-2021-108) will be considered by the County at a later date.

The property is located within the hamlet of Whitechurch. North of Bruce Road 86 and Huron County. The site is surrounded by residential and farm land.

Airphoto



Site Plan



Planning Analysis:

The following section provides an overview of the planning considerations that were factored into the staff recommendation for this application, including relevant agency comments (attached), and planning policy sections.

Minor Boundary Adjustment Review

The Bruce County Official Plan allows for lot adjustments for legal or technical reasons. These shall be limited to easements, correction of deeds, quit claims and minor boundary adjustments. These cannot result in the creation of a new lot.

There is no definition of what is considered a 'minor boundary adjustment'. The policies of the Bruce County Official Plan do not stipulate a maximum area that can be considered for a

minor lot boundary adjustment. The impact of the adjustment, and whether it is minor, should be considered based on the context of the lot and the proposed uses. In this instance, both the giving and receiving properties are within the Hamlet designation of the Official Plan. Both properties are intended to be used for residential. The two properties are not negatively impacted by the proposed lot adjustment and some benefits will result.

The boundary adjustment relates to the shed on the subject property that has historically been associated with the property at 7 Whitechurch St. but is partially within the property at 206 Bruce Rd 86. The lot addition of 178 sq. m. is proposed to correct this historic encroachment.

Lot Size

The Township of Huron Kinloss zoning bylaw requires a minimum lot area of 0.16 ha for the subject property. The subject lands had been divided historically which resulted in their current size. The applicants are proposing to sever 178 sq. m. of those lands for conveyance to their neighbour for the shed. It is the opinion of County staff that this proposal maintains the overall intent of the policies.

Zoning By-law Amendment

To facilitate the boundary adjustment, a Zoning By-law Amendment is required to rezone the retained parcel from Residential Special (R1-25.88) to Residential Special (R1-25.168) to permit a lot size no less than 0.14 hectares. The severed parcel will be rezoned from Residential Special (R1-25.88) to Institutional to match the current zoning of the receiving property.

Appendices

- County Official Plan Map
- Local Zoning Map
- Agency Comments
- Public Notice

County Official Plan Map (Designated Primary Urban)



Local Zoning Map (Zoned Residential Special 'R1-25.88')



Agency Comments

Township of Huron Kinloss: No comment.

BM Ross, Township of Huron-Kinloss Engineers: We note that the septic tank is located at the northwest corner of the former church. The proposed severance will reduce the setback from tank to the north lot line with 7 Whitechurch Street. Under the Building Code, the required setback is 3 m (9.8 ft) and the Inspector noted the setback would be reduced to approximately 9 ft. This reduction is considered minor and the proposed application is not expected to impact the use or function of the septic system on 206 Bruce Road 86. Given this, we have no objections to the proposed application.

Bruce County Transportation Services: No comment.

Hydro One Networks Inc.: We have reviewed the documents concerning the noted Plan and have no comments or concerns at this time.

Saugeen Valley Conservation Authority: The applications are generally acceptable to SVCA staff and provided in full below.

Historic Saugeen Metis (HSM): Resources and Consultation Department has reviewed the relevant documents and have no objection or opposition to the proposed Consent to Sever Land(s) and Zoning By-law Amendment as presented.

Bruce Grey Catholic District School Board: No comment.

SENT ELECTRONICALLY ONLY: jsteeper@brucecounty.on.ca and bcplwa@brucecounty.on.ca

August 8, 2022

County of Bruce Planning & Development Department
30 Park Street
Walkerton, Ontario NOG 2V0

ATTENTION: Julie Steeper, Planner

Dear Ms. Steeper,

RE: Z-2021-050 and B-2021-056 and B-2021-108 (Johnston)
206 Bruce Road 86 Part Lots 1 and 2, Roll No.: 410711000206300; and
7 Whitechurch Street, North Part Lots 1 and 2, Roll No.: 410711000206301
Geographic Township of Kinloss
Township of Huron-Kinloss

Saugeen Valley Conservation Authority (SVCA) staff has reviewed the above-noted applications as per our Memorandum of Agreement (MOA), dated September 2019, with the County of Bruce representing natural heritage within the Maitland Valley Conservation Authority (MVCA) watershed. The applications have also been reviewed through our role as a public body under the *Planning Act* as per our Conservation Authority Member approved Environmental Planning and Regulations Policies Manual (Policies Manual), amended October 16, 2018, with regard to Natural Heritage Features.

Purpose

The purpose of the applications are to sever a 178 sq m parcel of land from 206 Bruce Rd 86 and add it to an adjacent parcel at 7 Whitechurch St. The Zoning By-law Amendment is required to permit the reduced lot area of the retained parcel and to rezone the severed parcel from Residential Special (R1-25.88) to Institutional. If approved, the effect of the applications would facilitate a lot line adjustment correcting a historical encroachment of a shed on the subject parcel. An easement granting pedestrian access for 206 Bruce Road 86 is proposed with the applications.

Recommendation

The applications are generally acceptable to SVCA staff.

Delegated Responsibility and Advisory Comments

SVCA staff has reviewed the application through our responsibilities as a service provider to the County of Bruce in that we provide expert advice and technical clearance on *Planning Act* applications with regards to natural heritage as set out in the PPS 2020, County Official Plan (OP) and/or local official plans. Comments below only include features/technical requirements affecting the property.

Natural Heritage:

It is the opinion of SVCA staff that the natural heritage features affecting the properties include: wetlands, significant woodlands, significant wildlife habitat, and potentially the habitat of endangered species and threatened species.

Provincial Policy Statement – Section 2.1

Section 2.1 of the PPS, 2020 states in part that development shall not be permitted in provincially significant wetlands, significant woodlands, significant wildlife habitat, habitat of endangered species and threatened species, and the adjacent lands to the above referenced features, except in accordance with the policies found in Section 2.1 of the PPS, 2020.

Bruce County OP Policies

Wetlands

Based on SVCA mapping, parts of the Whitechurch Wetland Complex locally significant wetlands (LSW) are located on lands adjacent to the properties. SVCA staff note the adjacent wetlands to the properties are located with Huron County. Section 4.3.2.4 of the Bruce County OP states in part that “development, which may have a significant impact on lands, located within significant wetlands, may require the preparation of an Environmental Impact Study (EIS), by the proponent...”. However, it is the opinion of SVCA staff that, based on the site plan attached to the request for agency comments, it is the opinion of SVCA staff that negative impacts to wetland or its adjacent lands are likely to be negligible, and SVCA staff recommend that the preparation of an EIS to address the wetlands be waived according to Section 4.3.3.8 of the Bruce County OP.

Significant Woodlands

Although there is no County-wide mapping for significant woodlands, SVCA staff is of the opinion that the woodlands located on lands adjacent to the properties are considered significant woodlands. SVCA staff note that the adjacent woodlands are located within Huron County. SVCA staff note that significant woodlands are not determined based on property boundaries, nor are they considered interrupted by standard road allowances or roadways. However, according to Section 4.3.2.6.2ii of the Bruce County OP, there is no requirement for the preparation of an EIS to address the woodlands, based on the proposal.

Significant Wildlife Habitat

Although there is no County-wide mapping of significant wildlife habitat, it has come to the attention of SVCA staff that significant wildlife habitat may be located on, and/or within lands adjacent to the properties. SVCA staff note that the potential adjacent significant wildlife habitat is located within Huron County. Section 4.3.2.10 of the Bruce County OP states in part that development and site alteration shall not be permitted within significant wildlife habitat, or their adjacent lands, unless it has been demonstrated through an acceptable EIS that there will be no negative impacts to the natural features or their ecological functions. SVCA staff is of the opinion that negative impacts to significant wildlife habitat is likely to be negligible based on the applications, therefore, the preparation of an EIS to address significant wildlife habitat is not recommended at this time.

Habitat of Endangered Species and Threatened Species

Although not mapped in the Bruce County OP, it has come to the attention of SVCA staff that habitat of endangered species and threatened species may be located on and/or on lands adjacent to the property. Section 4.3.2.7 of the Bruce County OP states in part that development will not be permitted within habitat of endangered species and threatened species, and their adjacent lands. It is the role of the SVCA to identify habitat

of endangered species and threatened species through a screening process in consideration of the PPS, 2020 and local policies, however it is the responsibility of the owner/applicant to ensure the endangered species and threatened species policy referred to in the PPS, 2020 has been appropriately addressed. Please contact the Ministry of Environment, Conservation and Parks (MECP) for information on how to address this policy. MECP inquiries can be addressed to SAROntario@ontario.ca.

SUMMARY

SVCA staff has reviewed the applications in accordance with our MOA with the County of Bruce representing natural heritage; and the applications have also been reviewed through our role as a public body under the *Planning Act* as per our SVCA Member approved Policies Manual.

The applications are generally acceptable to SVCA staff.

Given the above comments, it is the opinion of the SVCA staff that:

- 1) Consistency with Section 2.1, Natural Heritage policies of the PPS, 2020 has been demonstrated, with the exception of Section 2.1.7 habitat of endangered species and threatened species, which the owner/applicant must address; and
- 2) Consistency with local planning policies for natural heritage has been demonstrated, with the exception of habitat of endangered species and threatened species, which the owner/applicant must address.

Please inform this office of any decision made by the Township of Huron-Kinloss with regards to the applications. We respectfully request to receive a copy of the decision and notices of any appeals filed. Should you have any questions, please contact the undersigned.

Sincerely,



Michael Oberle
Environmental Planning Coordinator
Saugeen Conservation
MO/

cc: Emily Dance, Clerk, Township of Huron-Kinloss (via email)
Patrick Huber-Kiddy, Planning and Regulations Supervisor, MVCA (via email)
Don Murray, SVCA Member representing the Township of Huron-Kinloss (via email)



County of Bruce
Planning & Development Department
30 Park Street, Box 848
Walkerton, ON N0G 2V0
brucecounty.on.ca
226-909-5515



August 5, 2022

File Number: Z-2021-050

Public Meeting Notice

You're invited

**Monday, September 12, 2022 at 7:00 pm, Council Chambers,
Township of Huron-Kinloss, 21 Queen Street, Ripley, ON**

A change is proposed in your neighbourhood: The purpose of this application is to sever a 178 sq m parcel of land from 206 Bruce Rd 86 and add it to an adjacent parcel at 7 Whitechurch St. The Zoning By-law Amendment is required to permit the reduced lot area of the retained parcel and to rezone the severed parcel from Residential Special (R1-25.88) to Institutional. If approved, the effect of the application would facilitate a lot line adjustment correcting a historical encroachment of a shed on the subject parcel. An easement granting pedestrian access for 206 Bruce Road 86 is proposed with this application. The related Consent files are B-2021-056 & B-2021-108.



206 BRUCE ROAD 86 - PLAN 226 PT LOTS 1 AND 2; and
7 WHITECHURCH ST - PLAN 226 N PT LOT 1 N PT LOT;2 (Kinloss)
Township of Huron-Kinloss, Roll Numbers 410711000206300; 410711000206301

Learn more

You can view limited information about the application at <https://brucecounty.on.ca/living/land-use>. Additional information, including the supporting materials, can be provided upon request by e-mailing bcplwa@brucecounty.on.ca or calling 226-909-5515. Information can also be viewed in person at the County of Bruce Planning Office noted above, between 8:30 a.m. and 4:30 p.m. (Monday to Friday).

The Planner on the file is: Julie Steeper

Have your say

Comments and opinions submitted on these matters, including the originator's name and address, become part of the public record, may be viewed by the general public and may be published in a Planning Report and Council Agenda. Comments received after August 26, 2022 may not be included in the Planning report but will be considered if received prior to a decision being made, and included in the official record on file.

1. Please contact us by mail (address above) or bcplwa@brucecounty.on.ca if you have any questions, concerns or objections about the application.
2. You can speak at the Public Meeting.

For information on how to participate in the public meeting, please visit the municipal website at <https://calendar.huronkinloss.com/meetings>, or contact the Township of Huron-Kinloss by 12:00 pm on September 12, 2022 (edance@huronkinloss.com or 519-395-3735 ext. 123) if you have any questions regarding how to participate in the meeting.

Stay in the loop

If you'd like to be notified of the decision of the Township of Huron-Kinloss on the proposed application, you must make a written request to the Bruce County Planning Department.

Know your rights

Section 34(11) of the [Planning Act](#) outlines rights of appeal for Zoning By-law Amendment applications.

If a person or public body would otherwise have an ability to appeal the decision of the Council of the Township of Huron-Kinloss to the Ontario Land Tribunal but the person or public body does not make oral submissions at a public meeting or make written submissions to the Bruce County Planning Department before the by-law is passed, the person or public body is not entitled to appeal the decision.

If a person or public body does not make oral submissions at a public meeting, or make written submissions to the Bruce County Planning Department before the by-law is passed, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Land Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so. For more information please visit the Ontario Land Tribunal website at <https://olt.gov.on.ca/appeals-process/>.

Site plan

